

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREW ACHAL,  
Plaintiff,

v.

GATE GOURMET, INC.,  
Defendant.

Case No. [15-cv-01570-JCS](#)

**ORDER DENYING AS MOOT MOTION  
TO DISMISS**

Re: Dkt. No. 8

After removing to this Court, Defendant Gate Gourmet, Inc. moved to dismiss Plaintiff Andrew Achal's Complaint. Mot. to Dismiss (dkt. 8). Plaintiff has since filed a First Amended Complaint ("FAC," dkt. 11). The Court finds Defendant's Motion suitable for disposition without oral argument and **vacates the hearing scheduled for June 12, 2015**. See Civ. L.R. 7-1(b).

"[T]he general rule is that an amended complaint supercedes the original complaint and renders it without legal effect . . . ." *Lacey v. Maricopa County*, 693 F.3d 896, 927 (9th Cir. 2012) (en banc). Accordingly, "[d]ismissal of the superseded original complaint would not alter the proceedings . . . as the parties would continue to litigate the merits of the claims contained in the now-operative First Amended Complaint." See *Liberi v. Defend Our Freedoms Founds., Inc.*, 509 F. App'x 595, 596 (9th Cir. 2013) (dismissing as moot appeal of denial of an anti-SLAPP motion regarding a superseded complaint). The Court therefore DENIES AS MOOT Defendant's Motion.<sup>1</sup> If Defendant wishes to challenge Plaintiff's FAC, Defendant may file a new motion.

**IT IS SO ORDERED.**

Dated: April 22, 2015

  
JOSEPH C. SPERO  
Chief Magistrate Judge

<sup>1</sup> The parties have consented to the jurisdiction of the undersigned magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c).